



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,519	10/03/2000	Randy Gray Simmons	17498	5365

7590 09/30/2002

Tyco Technology Resources
4550 New Linden Hill Road
Suite 450
Wilmington, DE 19808-2952

EXAMINER

DINH, TUAN T

ART UNIT

PAPER NUMBER

2827

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,519

Applicant(s)

SIMMONS ET AL.

Examiner

Tuan T Dinh

Art Unit

2827

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 July 2002 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 and 18-22 is/are pending in the application.

4a) Of the above claim(s) 18-22 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) All b) Some * c) None of:

 1. Certified copies of the priority documents have been received.

 2. Certified copies of the priority documents have been received in Application No. _____ .

 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

1. Newly submitted claims 18-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: a card is manufactured by a process can be made of an injection molding instead of plastic flows around tabs of a card (see office action mailed on 10/10/01).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 18-22 are withdrawn** from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-5, and 15-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said plastic" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fun et al. (U. S. Patent 6,166,913) in view of Zurek et al. (U. S. Patent 4,912,602).

As best understood to claims 1-4, Fun discloses an I/O card capable of being a PCMCIA card type III standard as shown in figures 1-3 comprising:

a circuit board (30-figure 1, column 2, line 437;

a first and second connectors (31, column 2, line 52) electrically connected to said circuit board (160) and adapted for electrically connecting said circuit board to a host computer (not shown);

a housing (1, column 2, line 22) having said circuit board (30) mounted therein and configured to provide access to said connector (31), said housing comprising a bottom metal panel (20, column 2, line 14) interconnected to a top panel (10, column 2, line 14), said metal panel comprising a plurality of tabs (26, column 2, line 24) with barbs (261-figure 1, column 2, line 24) thereon, said top panel (10) having one or more cavities (27, column 2, line 28) receiving said tabs (26); and

wherein the top panel at least partially engulfs said tabs (26) to prevent withdrawal of said tabs from said one or more cavities (27) and thereby interconnect said top and bottom metal panels.

Fun does not disclose a top panel made by plastic; however, Zurek shows a top panel made of plastic having a plurality of cavities (223-228-figure 5, column 3, lines 7-14).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a top panel made by plastic as taught by Zurek to modify the card of Fun in order to provide a mechanical shock, light weight, and reduce cost for manufacture.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fun et al. ('913) in view of Zurek et al. ('602) and further in view of Laity (U. S. Patent 5,984,731).

Regarding claim 5, Fun and Zurek does not show a second connector is an RJ series connector. Laity shows a PCMCIA card (10) having a RJ connector (82, column 5, lines 45-47) disclosed in figures 1, 4, and 6-7.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a RJ connector on board as taught by Laity to employ the card of Fun and Zurek in order to directly receive data from another source.

Response to Arguments

7. Applicant's arguments filed 7/16/02 have been fully considered but they are not persuasive.

Examiner disagrees.

Fun does teach two metal panels connecting together, and Zurek shows a structure of plastic panels connecting together. In view of Zurek to employ the structure connecting two panels together in order to reduce cost and light weigh for manufacturing. The material of plastic and metal are conventional skill in the art; therefore, the combination of Fun in view of Zurek is proper. Also, applicant does not show a specific of either plastic or metal panel having any functions to construct the structure connecting two panels together.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on 703-305-9883. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-1341 for regular communications and 703-308-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TD
September 25, 2002



KAMAND CUNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800